



Local Programs Procedures

LPP 94-08

Local Programs Dispute Resolution Process

Reference: Local Programs Manual, Volume 1, and Procedures Manual for Special Funded State Highway Projects.

Effective Date: May 20, 1994 Approved:

Chief, Division of State and Local Project Development

This procedure establishes a dispute resolution process for locally-sponsored projects on and off the State Highway System, for disputes between Caltrans and a project sponsor.

This new procedure will be incorporated into the Local Programs Manual during the next update.

EXISTING PROCEDURES

Dispute resolution processes for locally sponsored projects have been implemented for:

- 1) Intergovernmental Review (IGR) recommendations by Caltrans to a public agency considering an application to subdivide real property or to issue a construction permit.**
- 2) Denial of an application for an Encroachment Permit.**
- 3) Disagreements over project scope, concept, and design standards for projects on the State Highway System.**

In the case of disputes outside the scope of the above processes, local and private project sponsors have not had a formal administrative process to appeal decisions made by a Caltrans district office. In order to maintain and improve partnerships with local agencies and other public and private organizations, a formal process to actively respond to all of their issues is needed. The "Local Programs Dispute Resolution Process," established by this LPP, is intended to fill this need by providing an administrative process to resolve disputes between Caltrans and local agencies that are not within the scope of the above processes.

NEW PROCEDURES

The Local Programs Dispute Resolution Committee (LPDRC) is hereby established to provide an appeal process for project sponsors who are not satisfied with the decision they receive from a district office.

The LPDRC will consider issues related to locally-sponsored projects on the State Highway System funded by local sales tax measures (and other local/private sources) and locally-sponsored projects either on or off the State Highway System funded by federal-aid and/or state funds, such as SLTPP, EEM, TEA, CMAQ, RSTP, etc. Issues may include disputes between Caltrans and a project sponsor regarding (1) invoices, (2) geometric and other standards for federal-aid projects off the State Highway System, (3) local assistance policy and procedure, (4) cooperative agreement requirements, or (5) any other dispute not covered by a dispute resolution process identified above, under "EXISTING PROCEDURES."

Issues related to project scope, concept, and design standards for projects on the State Highway System, or issues related to IGR or encroachment permits, should continue to be addressed through the appropriate dispute resolution process identified above, under "EXISTING PROCEDURES."

Members

- Chief, Division of State and Local Project Development (chairperson).
- Other members selected by the chairperson. These members will be at or below Division Chief level with expertise on the issue.
- Chief Counsel, Legal Division (advisor to the committee).

District Directors are encouraged to establish their own dispute resolution procedure in their district. The LPDRC should only be used after the District Director has rendered a decision to a project sponsor, and the project sponsor desires to appeal that decision. When this occurs, the attached "DISPUTE RESOLUTION PROCEDURES" should be used.

Attachment